

## Article - Education

[\[Previous\]](#)[\[Next\]](#)

§16–708. NOT IN EFFECT

**\*\* TAKES EFFECT SEPTEMBER 1, 2022 PER CHAPTERS 16 AND 27 OF THE 2021 SPECIAL SESSION \*\***

(a) In this section, “new employee processing” means the process for a newly hired public employee, whether in–person, online, or through other means, in which new public employees are advised of their employment status, rights, benefits, duties, responsibilities, and other employment–related matters.

(b) (1) (i) A public employer shall provide the exclusive representative access to new employee processing.

(ii) Except as provided in subparagraph (iii) of this paragraph, a public employer shall provide the exclusive representative at least 10 days’ notice in advance of a new employee processing.

(iii) A public employer may provide the exclusive representative with less than 10 days’ notice if there is an urgent need critical to the public employer’s new employee processing that was not reasonably foreseeable.

(2) (i) The structure, time, and manner of the access required in paragraph (1) of this subsection shall be determined through negotiations between the public employer and the exclusive representative in accordance with § 16–709 of this subtitle.

(ii) When negotiating access to new employee processing under subparagraph (i) of this paragraph, if any dispute has not been resolved within 45 days after the first meeting of the public employer and the exclusive representative, or within 60 days after an initial request to negotiate, whichever occurs first, either party may request that the Board declare an impasse under § 16–711 of this subtitle.

(iii) In an impasse proceeding under § 16–711 of this subtitle, the mediator or Board shall consider:

1. The ability of the exclusive representative to communicate with the public employees it represents;

2. The legal obligations of the exclusive representative to the public employees;

3. Applicable State, federal, and local laws;
4. Any stipulations of the parties;
5. The interests and welfare of the public employees and the financial condition of the public employer;
6. The structure, time, and manner of access of an exclusive representative to new employee processing in comparable public employers, including the access provisions in other memoranda of understanding or collective bargaining agreements; and
7. Any other facts routinely considered in establishing the structure, time, and manner of access of an exclusive representative to new employee processing.

(3) (i) A request to negotiate under paragraph (2) of this subsection made between September 1, 2022, and the expiration date of an existing collective bargaining agreement between the parties shall reopen the existing collective bargaining agreement only for the purpose of negotiating the access of the exclusive representative to the public employer's new employee processing.

(ii) Either party may elect to negotiate a separate agreement on the access of the exclusive representative to the public employer's new employee processing in lieu of reopening the existing collective bargaining agreement.

(c) This section does not prohibit a public employer and an exclusive representative from negotiating access to new employee processing that varies from the requirements of this section.

[\[Previous\]](#)[\[Next\]](#)